

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Toshimitsu UENAKA et al.

Application No.: 10/586,536

Confirmation No.: 1635

Filed: July 30, 2008

Art Unit: Not Yet Assigned

For: ASSAY METHOD TO PREDICT
SENSITIVITY OF CANCER CELL TO
ANTICANCER DRUG

Examiner: Not Yet Assigned

REQUEST FOR REFUND
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)

MS 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I. REFUND REQUEST

This is a request for a refund with respect to the charge to Deposit Account 02-2448 shown on the statement for the month of August 2008 for the above-identified

☒ application

☐ patent

☒ A copy of the monthly statement in which the error referred to occurs, accompanies this request.

II. FEES CHARGED FOR WHICH REFUND REQUESTED

	AMOUNT OF REFUND <u>REQUESTED</u>
<input type="checkbox"/> filing fee	_____
<input type="checkbox"/> search fee	_____
<input type="checkbox"/> examination fee	_____
<input type="checkbox"/> surcharge for filing the basic filing on a date later than the filing date of the application (37 C.F.R. § 1.16(e))	_____
and/or	
<input checked="" type="checkbox"/> surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. § 1.16(e))	<u>\$130</u>
<input type="checkbox"/> extension of term	
<input type="checkbox"/> first month	_____
<input type="checkbox"/> second month	_____
<input type="checkbox"/> third month	_____
<input type="checkbox"/> fourth month	_____
<input type="checkbox"/> excess claims	_____
<input type="checkbox"/> issue fee	_____
<input type="checkbox"/> petition fee	_____

- ☐ patent maintenance fee _____
- ☐ first maintenance fee _____
- ☐ second maintenance fee _____
- ☐ third maintenance fee _____
- ☐ patent maintenance fee surcharge _____
- ☐ Other: _____
- _____
- _____

TOTAL REFUND REQUESTED

\$130

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

On July 30, 2008, we submitted a Response to the Notification of Missing Requirements dated June 23, 2008. In this Response, we provided evidence showing that the Notice was in error, and that the Declaration was filed concurrently with the filing of the application. Therefore, the Declaration was timely filed, and thus no late surcharge should have been deducted from our accounts.


IV. MANNER OF REFUND

Please make refund by crediting Account No. 02-2448.

We respectfully request that the attached copy of this letter be returned to us with an indication that the credit has been processed.

Dated: AUG 21 2008

Respectfully submitted,

By  #43575

Marc S. Weiner
Registration No.: 32,181
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

Attachments: Monthly Statement (relevant portion)

BIRCH, STEWART, KOLASCH & BIRCH, LLP
Aug 2008 Deposit Account Reconciliation

Date	Reference No.	Docket Number	Fee Code	BSKB Code	Fee	Comment
4-Aug	11503140	0020-5272PUS4	1251	DX	\$120.00	
4-Aug	11503140	0020-5272PUS4	1801	DF	\$810.00	
4-Aug	11224131	0033-1022PUS1	1252	DX	\$460.00	
4-Aug	11224131	0033-1022PUS1	1401	DNA	\$510.00	
4-Aug	12223482	0234-0580PUS1	2631	DF	\$155.00	803194
4-Aug	10586536	0425-1266PUS1	1617	DPF	\$130.00	Emld Ben R, for new entry
4-Aug	11664879	0446-0196PUS1	1464	DP	(\$130.00)	786257-Refund of charge from 3-1-08
4-Aug	11664879	0446-0196PUS1	1464	DP	(\$130.00)	Refund of charge from 5-27-08
4-Aug	11664879	0446-0196PUS1	1464	DP	(\$130.00)	Refund of charge from 8-1-08
4-Aug	11912571	0459-0766PUS1	2617	DPF	\$65.00	
4-Aug	10731170	0465-1110P	1251	DX	\$120.00	Emld Kandie P, for new entry
4-Aug	10756391	0465-1520PUS1	1251	DX	\$120.00	
4-Aug	11589199	0505-1595PUS1	1501	DI	\$1,440.00	795896
4-Aug	11589199	0505-1595PUS1	1504	DPUB	\$300.00	795896
4-Aug	11589199	0505-1595PUS1	8001	DC	\$6.00	795896